

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JEREMY DALE MCCASKILL,

Petitioner,

vs.

MICHAEL BUDGE, *et al.*

Respondents.

3:08-cv-00687-ECR-RAM

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the Court following upon the failure of appointed counsel to file an amended petition within the final extended deadline established by the Court. The circumstances leading up to the present order are outlined in the Court's prior order (#36). The Court has no remaining viable option at this point other than to appoint replacement counsel pursuant to 18 U.S.C. § 3006A(c).

The Court accordingly will terminate the current appointment and appoint replacement counsel. The Court finds that the interests of justice require such a replacement appointment. The Court does so for the interests of the petitioner, the interests of the public in the prompt resolution of collateral attacks on state court convictions, and the interests of the prompt and efficient administration of justice generally.

The Court will not resolve any questions as to fee or expense payment on the present motions, deferring consideration of same to presentment of any requests for payment by present appointed counsel.

1 IT THEREFORE IS ORDERED that the appointment of Mary Beth Gardner, Esq. as
2 counsel for petitioner is TERMINATED and that replacement counsel shall be appointed from
3 the CJA Panel.

4 IT FURTHER IS ORDERED that the deadline for petitioner to file a counseled
5 amended petition is CONTINUED WITHOUT DATE. The Court will establish a new deadline
6 for filing the pleading in the formal order of appointment of replacement counsel, likely at 150
7 days following entry of the order.

8 IT FURTHER IS ORDERED that, following upon the appointment of replacement
9 counsel for petitioner, prior counsel shall deliver all files and related materials to replacement
10 counsel as promptly as possible. The Court authorizes payment for reasonable attorney
11 hours by prior counsel to confer with replacement counsel, upon request, as to issues in the
12 case and status, with the understanding that prior counsel may not delay turning over file and
13 other materials in connection with same.

14 The Clerk of Court shall send a copy of this order additionally to the CJA Coordinator
15 for this Division as well as to the petitioner individually, addressed to Jeremy Dale McCaskill,
16 #76726, P.O.Box 1989, Ely, NV 89301.

17 DATED: January 18, 2011

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19 The image shows a handwritten signature in black ink that reads "Edward C. Reed". The signature is written in a cursive, flowing style. The first name "Edward" is written in a larger, more prominent script, followed by "C." and "Reed". The signature is positioned above a horizontal line.

20 EDWARD C. REED
21 United States District Judge
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